In the High Court of Uttaranchal, at Nainital.

(Stay Application No. 10415/2006)

in

Criminal Writ Petition No. 1006/2006(M/B)

Mohd. Mohsin S/o Mohd. Moveen,
R/o Village Kasampur, Block Jaspur,
P.O. and Tehsil Jaspur,
District Udham Singh Nagar ... Petitioner.

Versus

1- District Magistrate, Udham Singh Nagar,

2- Superintendent of Police,
District U.S. Nagar.

3- Circle Officer Thana Kashipur,
District U.S. Nagar.

4- Sri M.P. Sochkarta Up Khand Education
Officer, Block Jaspur, District U.S. Nagar.

5- Safik Ahamad S/o Mohd. Safi
R/o Mohalla Fattullagang,
Thakurdwara, District Moradabad
U.P. .. Respondents.

Sri I.D. Paliwal, learned counsel for the petitioner.
Sri D.K. Sharma, learned G.A. for the State.

Hon'ble B.C. Kandpal, J.

Hon'ble Prafulla C. Pant, J.

By way of this petition the petitioner has sought the following reliefs:-

(a) To issue a writ, order or direction in the nature of certiorari quashing the F.I.R. dated 9-8-2006 (Annexure No.5 to the Petition), registered in Thana Kashipur in case crime No. 4353/2006, U/S 420 I.P.C.

(b) To issue a writ, order or direction in the nature of mandamus commanding the respondents not to harass and arrest the petitioner in pursuance of

the said F.I.R. till the final disposal of the writ petition.

2- Heard Sri I.D. Paliwal, learned counsel for the petitioner, learned G.A. and perused the record.

3- After having considered the arguments advanced by the learned counsel for the parties and after perusal of the material available before us, we are of the opinion that the indulgence of the court is not required in the matter under Article 226 of the Constitution of India, for grant of any of the reliefs sought by the petitioner at this stage.

4- The writ petition lacks merit and is dismissed in limine.

5- However, in case the petitioner surrenders or is arrested, his bail application shall be disposed of by the court concerned without any unreasonable delay.

6- With the above observation, the stay application also stands rejected.

(P.C. Pant, J.) **(B.C.Kandpal,J.)**

Dated: 18-08-2006
ISB